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ROBERT E. KING II,

NO. CIV. S-05-404 LKK/PAN

Plaintiff,

v.

O R D E R

BIMBO BAKERIES, USA,

Defendant.

17 Robert King ("plaintiff") brings suit against Bimbo Bakeries
18 USA, Inc. ("defendants"), alleging six claims related to his
19 termination of employment. Defendants bring a motion to dismiss
20 for failure to state a claim pursuant to Fed. R. Civ. P. 12(b) (6)
21 and/or for lack of subject matter jurisdiction pursuant to Fed. R.
22 Civ. P. 12(b) (1). Based on the pleadings, the parties' papers, and
23 oral argument, the court makes the following ORDERS:

24 1. Plaintiff's complaint is DISMISSED with leave to amend.
25 Plaintiff shall file his amended complaint within twenty-five (25)
26 days of this order.

1 2. Defendants' motion for sanctions pursuant to Fed. R. Civ.
2 P. 11 is DENIED.

3 IT IS SO ORDERED.

4 DATED: August 16, 2005.

5 /s/Lawrence K. Karlton

6 LAWRENCE K. KARLTON
7 SENIOR JUDGE
8 UNITED STATES DISTRICT COURT

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